

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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|-----------------------------------|---|--------------------------|
| In re: |) | |
| |) | Case No. 3:19-bk-1971 |
| CAPSTONE PEDIATRICS, PLLC, |) | |
| |) | Chapter 11 |
| Debtor. |) | |
| |) | |
| |) | |
| |) | |
| CDS BUSINESS SERVICES, INC. d/b/a |) | |
| NEWTEK BUSINESS CREDIT. |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Adversary Proceeding No. |
| |) | |
| |) | 3:20-ap-90140 |
| AMERICA CARES TRUST d/b/a |) | |
| CARENATION |) | |
| |) | |
| Defendant. |) | |

AGREED ORDER GRANTING EXPEDITED MOTION FOR PRELIMINARY INJUNCTION

Upon consideration of the Expedited Motion filed by CDS Business Services, Inc. d/b/a Newtek Business Credit (“CDS”) for a Preliminary Injunction [DE 4] (the “Motion”) as well as that certain Supplemental Brief (“Supplemental Brief”) [DE 10] filed by CDS in Support of the Motion [DE 10] ; and the court having found that it has jurisdiction over this matter pursuant to 28 U.S.C. §§157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. §157(b)(2); and the Court having found that CDS provided due and sufficient notice of the Motion and Supplemental Brief and the relief sought in the Motion; and the Court having found that the relief requested in the Motion and Supplemental Brief is warranted and that it was

expressed at the hearing on this matter there is in fact no opposition to the relief sought by CareNation or any other interested party, all of whom appeared through counsel at the hearing, it is therefore hereby

ORDERED as follows:

America Cares Trust (ACT), d/b/a CareNation, its agents (specifically including, but not limited to, Michael Gaw), and any party acting in concert with CareNation, are enjoined, pending further order of this court, from accessing, depositing into, withdrawing from, viewing, using, transferring into or out of, encumbering, or preventing access of Debtor Capstone Pediatrics, PPLC (“Debtor”) to any of Debtor’s DIP Accounts used or opened at any time in this case including, but not limited to, those certain Bank of America accounts in the name of Debtor bearing account numbers XXXXXXXX837, XXXXXXXX7579 and XXXXXXXX239. In addition, and immediately upon entry of this Order, Michael Gaw of CareNation shall ensure that all checks to any of Debtor’s DIP Accounts are immediately turned over to Jim Davis, Chief Restructuring officer for Debtor, at such location as Davis may direct to CareNation and/or Gaw.

IT IS SO ORDERED.

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| THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED AT THE TOP OF THE FIRST PAGE. |
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SUBMITTED FOR ENTRY:

/s/ Dan Puryear

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/s/ Megan Seliber

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United States Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically on September 18, 2020. Notice of this filing was sent by operation of the Court's electronic filing system to all those parties specifically requesting electronic service and as indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Dan Puryear

Daniel H. Puryear